



NOAA Fisheries Service

Frequently Asked Questions About Critical Habitat

What is Critical Habitat?

When NOAA Fisheries lists a species as endangered or threatened under the Endangered Species Act (ESA), it must designate "critical habitat." This designation must be made no later than one year of the ESA listing to the maximum extent prudent.

The ESA defines "**critical habitat**" as specific areas within the geographical area occupied by the species at the time of listing, that contain the physical or biological features essential to the species' conservation and which may require special management considerations or protection; and specific areas outside the geographical area occupied by the species if the agency determines that the area is essential for conservation.

How does NOAA Fisheries Service designate Critical Habitat?

Critical habitat designations must be based on the best scientific information available, in an open public process, within specific timeframes. Careful consideration must be given to the economic impacts, impacts on national security, and other relevant impacts of designating critical habitat. NOAA Fisheries Service may exclude an area from critical habitat if the benefits of exclusion outweigh the benefits of designation, unless excluding the area will result in the extinction of the species. Critical habitat designations focus on areas containing those physical and biological features that are essential to the conservation of the species. These physical and biological features, known as *primary constituent elements* (or PCEs), may include such elements as breeding and feeding areas, migratory pathways, appropriate substrate types, and/or types or concentrations of prey.

What does a Critical Habitat designation do?

A critical habitat designation does not set up a preserve or refuge. It applies predominantly when Federal funding, permits, or projects are involved. Under Section 7 of the ESA, all Federal agencies must ensure that any actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species, or destroy or adversely modify its designated critical habitat. Through PCEs, critical habitat focuses on the function and necessity of physical and biological features within a geographic area that are required to conserve the species. Federal agencies whose projects may affect critical habitat must consult with NOAA Fisheries Service to analyze potential impacts of the proposed action to each PCE. Section 7 requirements do not apply to citizens engaged in activities on private land that do not involve a Federal agency.

